

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

CR NO. 05-1849-JH

DANA JARVIS, et al.

Defendants.

NOTICE OF NON-AVAILABILITY

COMES NOW, counsel for Defendant Geno Berthod, Martin Lopez, III, P. C. (Martin Lopez, III) and states that he will be unavailable for hearings in this matter. Counsel will be out of state from January 14, 2009 through January 16, 2009.

Respectfully submitted,

MARTIN LOPEZ, III
A Professional Corporation

Electronically filed January 6, 2009

Martin Lopez, III
Attorney for Defendant Berthod
1500 Mountain Rd. NW
Albuquerque, New Mexico 87104
Tele: (505) 243-2900
Fax: (505) 243-6339

I HEREBY CERTIFY that a copy of the foregoing was forwarded via CM/ECF electronic notice to Assistant U. S. Attorney James Braun on this 6th day of January, 2009.

Electronically filed January 6, 2009
Martin Lopez, III